

CALFRESH (CF) PROGRAM REQUEST FOR POLICY/REGULATION INTERPRETATION

INSTRUCTIONS: Complete items 1 - 10 on the form. Use a separate form for each policy interpretation request. If additional space is needed, please use the second page. Be sure to identify the additional discussion with the appropriate number and heading. Retain a copy of the CF 24 for your records.

- Questions from counties, including county Quality Control, must be submitted by the county CalFresh Coordinator and may be submitted directly to the CalFresh Policy analyst assigned responsibility for the county, with a copy directed to the appropriate CalFresh Policy unit manager.
- Questions from Administrative Law Judges may be submitted directly to the CalFresh Policy analyst assigned responsibility to the county where the hearing took place, with a copy of the form directed to the appropriate CalFresh Bureau unit manager.

1. RESPONSE NEEDED DUE TO: <input type="checkbox"/> Policy/Regulation Interpretation <input type="checkbox"/> QC <input checked="" type="checkbox"/> Fair Hearing <input type="checkbox"/> Other:	5. DATE OF REQUEST: 6/4/2014	NEED RESPONSE BY: 6/9/2014
2. REQUESTOR NAME:	6. COUNTY/ORGANIZATION: Santa Barbara	
3. PHONE NO.:	7. SUBJECT: Asylum vs. Temporary Protected Status eligibility	
4. REGULATION CITE(S): MPP 63-405.113, 63-300.5(e)(2)	8. REFERENCES: (Include ACL/ACIN, court cases, etc. in references) NOTE: All requests must have a regulation cite(s) and/or a reference(s). ACIN I-102-10, ACIN I-65-11, USCIS, Title 8: Aliens and Nationality, Part 208 of Immigration and Nationality Act	

9. QUESTION: (INCLUDE SCENARIO IF NEEDED FOR CLARITY):

CalFresh household consist of father, mother and 2 children. Asylum status granted for the mother and father and 1 child effective 5/16/13. Asylum status granted for the second child effective 1/23/13. Asylum status was confirmed via the I-797. Per ACL I-102-10 (pg. 11), if an individual is granted Asylum, they would be eligible to Federal funded CalFresh benefits. This household also has been granted Temporary Protected Status (TPS) for the period of 1/2014-3/2015. Per ACL I-102-10 (pg.40), individuals granted TPS are considered Noncitizens and therefore not eligible to state or federal CalFresh benefits.

Question: Since this household has been granted both Asylum and Temporary Protected Status, and the Asylum status was granted on or after the Temporary Protected Status, would household be eligible to federal CalFresh benefits?

10. REQUESTOR'S PROPOSED ANSWER:

Per CF 63-405.113 identifies a qualified noncitizen who meets the requirement of an asylee under Section 208 of the INA eligible to (FSP) CalFresh.

Since this household has been granted both Asylum and Temporary Protected Status, and the Asylum status was granted on or after Temporary Protected Status, we interpret to say that Asylum status supersedes Temporary Protected Status and therefore household would be eligible to federal CalFresh benefits.

11. STATE POLICY RESPONSE (CFPB USE ONLY):

Per our phone conversation, the Asylum status was granted prior to the TPS status. Once the household's information is run through the Systematic Alien Verification for Entitlements (SAVE) program (MPP 63-300.5(e)(2), the immigration status for those applying for benefits will be identified to assist the County with the eligibility determination. If the individuals applying for CalFresh are in a temporary status (TPS), they are not eligible for CalFresh state or federal (CFAP/SNAP) benefits; however, if SAVE provides an eligible status (e.g. asylum status) for those applying who are otherwise eligible, then they would be eligible for CalFresh benefits (MPP 63-405). ACIN I-65-11 lists individuals granted Temporary Protected Status (TPS) as "ineligible noncitizens". They are permitted to remain temporarily in the U.S., but they are ineligible for CFAP/SNAP benefits.

FOR CDSS USE

DATE RECEIVED: Wednesday June 4, 2014	DATE RESPONDED TO COUNTY/ALJ: June 11, 2014 JN
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